

EXHIBIT A

Pamela M. Egan, WSBA No. 54736
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Attorneys For Mark D. Waldron, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, individual and
California resident, GIGAWATT
PTE., LTD., a Singapore corporation,
ANDREY KUZENNY,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant.

Adv. Case No. 20-80031

**TRUSTEE'S REQUEST FOR
ENTRY OF DEFAULT BY THE
CLERK OF THE COURT
AGAINST GIGAWATT PTE. LTD.**

Trustee's Request for Entry of Default
By Clerk Against GigaWatt Pte. Ltd. – Page 1

1 **TO THE CLERK OF THE COURT:**

2 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, applicable
3 hereto by Rule 7055 of the Federal Rules of Bankruptcy Procedure, and pursuant
4 to L.B.R. 7055-1, the Trustee hereby respectfully requests that the Clerk of Court
5 enter a default against GigaWatt Pte. Ltd. (“GW Sg.”) in the above-captioned
6 adversary proceeding. This request is supported by the Declaration of Pamela M.
7 Egan (“Egan Declaration”), filed herewith.

8 On November 19, 2020, the Trustee commenced the above-captioned
9 adversary proceeding.

10 On December 9, 2020, pursuant to L.B.R. 7004-1, the Trustee’s counsel
11 filed a declaration that Singapore law authorizes service by registered mail. ECF
12 No. 15.

13 On December 15, 2020, the Clerk of the Court mailed a copy of the
14 following documents to the Registered Office of GigaWatt Pte. Ltd. by registered
15 mail, return receipt:

- 16 1. Summons in an Adversary Proceeding, ECF No. 4;
- 17 2. [UNREDACTED; FILED UNDER SEAL] Verified Complaint and
18 Exhibit A thereto, ECF No. 11;
- 19 3. Order Granting Trustee’s Ex Pare Motion to File Unredacted Complaint
20 Under Seal, ECF No. 9;
- 21 4. Redacted Verified Complaint, ECF No. 6;
- 22 5. Submission of Signed Verification, ECF No. 7;

23 Trustee’s Request for Entry of Default
24 By Clerk Against GigaWatt Pte. Ltd. – Page 2

1 6. Note of Errata Re Title of Verified Complaint, ECF No. 8; and

2 7. Notice of Scheduling Conference, ECF No. 4.

3 *See* Certificate of Service, ECF No. 15, and Egan Declaration.

4 GW Sg. has failed to appear or otherwise defend.

5 Wherefore, the Plaintiff respectfully requests that the Clerk enter GW Sg.'s
6 default.

7 Dated: September __, 2022

POTOMAC LAW GROUP PLLC

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By:

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Pamela M. Egan (WSBA No. 54736)
Attorneys for Mark D. Waldron, Chapter 7
Trustee, Plaintiff

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Trustee's Request for Entry of Default
By Clerk Against GigaWatt Pte. Ltd. – Page 3

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ANDREY KUZENNY,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant.

Adv. Case No. 20-80031

**DECLARATION OF PAMELA M.
EGAN IN SUPPORT OF
TRUSTEE'S REQUEST FOR
ENTRY OF DEFAULT BY THE
CLERK OF THE COURT
AGAINST GIGAWATT PTE. LTD.**

Egan Decl. In Support of
Trustee's Request for Entry of Default
By Clerk Against GigaWatt Pte. Ltd. – Page 1

1 I, Pamela M. Egan, pursuant to 11 U.S.C. § 1746 hereby declare as follows:

2 1. I am over 18 years of age, of sound mind, and otherwise competent to
3 make this Declaration. The statements made herein are based on personal
4 knowledge and if called to testify, I could and would do so competently.

5 2. I submit this Declaration in support of the *Trustee's Request for*
6 *Entry of Default by Clerk Against GigaWatt Pte. Ltd.*, ECF No. ____.

7 3. On December 11, 2020, I sent to the Clerk of the Court a true and
8 correct copy of the letter ("December 11, 2020 Letter") which is attached hereto
9 as **Exhibit 1**, asking the Clerk of the Court to effect service as described therein.
10 Enclosures to the December 11, 2020 Letter are not included with this Declaration
11 in order to conserve resources, but are available upon the Clerk's request.

12 4. On January 14, 2021, I received the email that is attached hereto as
13 **Exhibit 2**. It is from the Clerk's office asking for payment of the cost of having
14 sent the documents described in the December 11, 2020 Letter to GigaWatt Pte.
15 Ltd. by registered mail.

16 Executed this ____ day of September 2022 under penalty of perjury in
17 Seattle, Washington.

18 _____
19 Pamela M. Egan
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23 Egan Decl. In Support of
24 Trustee's Request for Entry of Default
By Clerk Against GigaWatt Pte. Ltd. – Page 2

EXHIBIT 1

Potomac LAW GROUP

Potomac Law Group, PLLC

1905 7th Avenue W. | Seattle, Washington 98119
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December 11, 2020

Ms. Cassandra Rehn
Case Administrator
U.S. Bankruptcy Court
Eastern District of Washington
P.O. Box 2164
Spokane, WA 99210-2164

Re: *In re Giga Watt, Inc.*, Case No. 18-03197-FPC7; *Waldron v. Perkins Coie, et al.*,
Adv. Case No. 20-80031; Service of Process; Fed.R.Civ.P. 4(f)(2)(C)(ii), (h)(2);
Fed.R.Bank.P. 7004(a)(1); L.B.R. 7004-1

Dear Madam Clerk:

Reference is made to the bankruptcy case of Giga Watt, Inc. pending in the U.S. Bankruptcy Court for the Eastern District of Washington, Case No. 18-03197-FPC7 (the “Bankruptcy Case”). In the Bankruptcy Case, the Potomac Law Group represents Mark D. Waldron in his capacity as Chapter 7 Trustee (the “Trustee”). On November 18, 2020, the Trustee commenced an adversary proceeding in the Bankruptcy Case entitled, *Mark D. Waldron, as Ch. 7 Trustee v. Perkins Coie LLP, Lowell Ness, Giga Watt Pte. Ltd., Andrey Kuzenny, and the Giga Watt Project*, Adversary Proceeding Number 20-80031-FPC (the “Adversary Proceeding”).

This letter respectfully requests your assistance in serving Giga Watt Pte. Ltd., one of the defendants in the Adversary Proceeding with the following enclosed documents (the “Documents”):

1. Summons in an Adversary Proceeding [AP ECF 4];
2. [UNREDACTED; FILED UNDER SEAL] Verified Complaint and Exhibit A thereto [AP ECF 11];
3. Order Granting Trustee’s Ex Parte Motion to File Unredacted Complaint Under Seal [AP ECF 9];
4. [REDACTED] Verified Complaint [AP ECF 6];

5. Submission of Signed Verification [AP ECF 7];
6. Notice of Errata re Title of Verified Complaint [AP ECF 8]; and
7. Notice of Scheduling Conference [AP ECF 4].

Pursuant to Civil Rules¹ 4(f)(2)(C)(ii) and 4(h)(2) and L.B.R. 7004-1, I respectfully request that you send the Documents to Giga Watt Pte. Ltd. at the following address:

Registered Office of Giga Watt Pte. Ltd.
One Magazine Road #04-11
Central Mall, Singapore 059567.

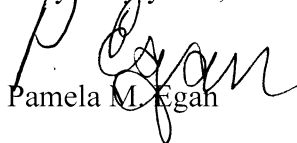
As provided by Civil Rule 4(f)(2)(C)(ii), please (a) address the envelope and (b) send the Documents by U.S. Postal Service, International Registered Mail with a signed receipt requested. I enclose a blank, durable, suitably-sized envelope in which to send the Documents.

Pursuant to L.B.R. 7004-1, I further enclose the following documentation required by the U.S. postal service for registered, return receipt international mail: (1) P.S. Form 3806, Registered Mail Receipt (international mail); (2) P.S. Form 2865, Return Receipt for International Mail; and (3) P.S. Form 2976-R, U.S.P.S. Customs Declaration and Dispatch Note.

Finally, as required by L.B.R. 7004-1, I have filed in the Adversary Proceeding a declaration [AP ECF 15] stating that the service requested in this letter does not violate Singapore law.

I would like to arrange for payment at your earliest convenience. Please feel free to call or write with any questions at any time. Thank you.

Very truly yours,


Pamela M. Egan

Enclosures

Via email w/ encl.:

- Ralph E. Cromwell, Esq. (Perkins/Ness counsel), rcromwell@byrneskeller.com;
- John D. Munding, Esq. (Perkins/Ness counsel), john@mundinglaw.com;
- Marina Mikhaylyuta (Dir./Giga Watt Pte. Ltd.), moon_mist@mail.ru;
- Andrey Kuzenny (Def.), akv@mail.ru

¹ "Civil Rules" refers to the Federal Rules of Civil Procedure. Civil Rules 4(f)(2)(C)(ii) and 4(h)(2) are applicable to the Adversary Proceeding pursuant to Rule 7004(a)(1) of the Federal Rules of Bankruptcy Procedure.

EXHIBIT 2

From: [Nydia Urlacher](#)
To: [Pamela M. Egan](#)
Subject: Giga Watt 18-03197/Re Postage Reimbursement
Date: Thursday, January 14, 2021 11:17:26 AM

 **EXTERNAL**

Good morning,

I just left a voicemail at your office, however there was no office recording/greeting and it left me concerned that it may not reach you. So, I will rely on email to make sure I communicate with you. I called to remind that there's an outstanding balance owed to the court concerning reimbursement for postage expenses of \$45.65 for first class registered mail to foreign address (Singapore) and it has not yet been received. Please make this payment as soon as you can by check.

If you have any questions, please don't hesitate to call.

Best,

Nydia Urlacher
Courtroom Deputy/Case Administrator
USBC – Washington Eastern
(509) 576-6105
Nydia_Urlacher@waeb.uscourts.gov